

## **Remarks**

### ***Status of Claims***

Claims 1-23 have been canceled herein without prejudice or disclaimer. Applicants reserve the right to pursue subject matter encompassed by all canceled claims in one or more divisional or continuation applications. Claims 24-41 have been added to further expand the claimed embodiments of the elected subject matter. New claims 24-41 find support in the claims as originally filed and throughout the specification. Specifically, support for new claims 24-41 can be found, for example, at page 21, line 27, through page 22, line 13 (HLWBO56); page 91, Gene 22, in Table 1 (HLWBO56/SEQ ID No:180); page 326, line 29, through page 327, line 23 (30 and 50 contiguous amino acids); page 312, line 30, through page 313, line 31 (95% identity); page 333, lines 5-7 (heterologous polypeptide); page 394, lines 1-26 (pharmaceutically acceptable carrier); page 341, lines 1-3 (glycosylated polypeptides); page 527, lines 9-23 (recombinant host cell); Examples 5-8 on page 549 through page 557 (method of expressing and recovering a polypeptide by a cell); Example 13 on pages 564 through page 589 (method of treating); Example 12 on page 563 (method of diagnosing); and Example 48 on page 649 (method of identifying a binding partner). Accordingly, no new matter has been added. Upon entry of the present amendment, claims 24-41 will be pending.

### ***Election***

A restriction requirement under 35 U.S.C. § 121 has been issued in which claims 1-23 were separated into eight different groups. *See*, Paper No. 05042006, pages 2-3. In addition, the Examiner has also required election of “a specific polypeptide and indicate a specific SEQ ID No.” Paper No. 05042006, page 6.

In order to be fully responsive and to comply with the pending election requirement, Applicants herein elect claims embodying the subject matter currently restricted to Group II (*i.e.*, drawn to the isolated polypeptide of original claim 11), for further prosecution. Additionally, to comply with the Examiner's request for election of a single polypeptide sequence, Applicants note that the pending claims, as amended herein, are drawn to SEQ ID NO:180 that encodes the polypeptide HLWBO56. *See e.g.*, Table 1 at page 91. Thus, new claims 24-38 are directed to subject matter falling within the ambit of Group II as cast by the Examiner. Furthermore, Applicants respectfully request a search and examination of claims 39-41 (drawn to methods of preventing, treating, ameliorating a medical condition, methods of diagnosing a pathological

condition, or methods of identifying a binding partner) upon allowance of generic claims 24 and/or 31.

### ***Change of Title***

Applicants have amended the pending claims in the present application to be drawn to HLWBO56 polypeptide embodiments (to accommodate the Restriction Requirement mailed May 17, 2006; Paper No. 05042006). As such, Applicants have also amended the Title of the present application to reflect the claimed polypeptide embodiments.

### ***Change of Inventorship***

Applicants have amended the claims in the present application to be drawn to HLWBO56 polypeptide embodiments. In this regard, the undersigned has been informed that the inventive entity of the subject matter encompassed by the elected claims is: Craig A. Rosen and Ping Wei. Accordingly, Applicants request that the presently allowed application be amended to show the above two persons as inventors. Thus, please remove the following names from the list of inventors: George A. Komatsoulis, Kevin P. Baker, Michele Fiscella, Paul A. Moore, D. Roxanne Duan, Yanggu Shi, and Ram Gupta.

### **Conclusion**

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the instant application. In view of the foregoing amendments and remarks, Applicants believe that this application is now in condition for further examination. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: August 16, 2006

Respectfully submitted,

By 

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